IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4384 OF 2005

Mr.Dilip Yusuf Khan
and Anr. ..Applicants

Vs.

State of Maharashtra & Anr. ...Respondents

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Ms.Prerana Srivastava i/b Mr.Rishi Bhuta
for Applicants
Mr.A.S.Khan for Respondent no.2
Mr.Y.S.Shinde A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 26,2005

P.C.

1. Heard the learned advocate for the applicants, learned advocate for the respondent no.2-complainant and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned Magistrate in C.C.No.2727/S/2002. In the said case process was issued against the applicants under Section 138

r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within four weeks from today. I am informed that the next date before the trial Court is 3.10.2005. In view of this statement, the trial Court shall not proceed with the trial on 3.10.2005 and for a period of three weeks thereafter.

. The learned advocate for the respondent no.2-complainant fairly states that no objection will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]